

# Notice of Allowability

Application No.

09/931,794

Examiner

Kevin Schubert

Applicant(s)

JONES ET AL.

Art Unit

2137

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/3/06.
2. ☒ The allowed claim(s) is/are 1,3,5-7,10,12,14-16,19,20,22-24,26,28-30,32,33,36,37,39,42,43,45,46,51,56,57,59,61,63,65,66,69 and 72-78.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 20060313
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

Claims 1,3,5-7,10,12,14-16,19-20,22-24,26,28-30,32-33,36-37,39,42-43,45-46,51,56-57,59,61,63,65-66,69, and 72-78 have been considered.

5

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

10 submission filed on 4/3/06 has been entered.

***Allowable Subject Matter***

All claims have been deemed allowable over the prior art. More specifically, each of the independent claims recite the limitation "wherein the removable storage medium comprises only the memory and is separate from a player which is capable of playing the video content on the transportable storage medium". Examiner notes that such limitation was incorporated into the amended claims submitted 4/3/06, and such limitation was believed by Applicant to further distinguish the claimed invention from that of the combination of Steinberg (U.S. Pat 6,587,949) in view of Matsushita (EP Pat 00309498.4) in further view of Friedman (U.S. Pat 5,499,294). More specifically, in his latest remarks (submitted 4/3/06), Applicant notes that the Examiner has relied on a computing system (Steinberg: 16 of Fig 1) to meet the claimed "removable storage medium". Applicant believes that the above cited limitation provides a distinction between an entire computing system (such as that in Steinberg) and Applicant's claimed "removable storage medium".

20

Examiner agrees. In the Steinberg reference, the removable storage medium is associated with the player capable of playing the video content on the transportable storage medium, since the computing system, itself, is also used to play the video content on the transportable storage medium. Additionally, the removable storage medium of Steinberg comprises more than "only the memory" as claimed. For at

25

Art Unit: 2137

least these reasons, Examiner does not believe the above cited limitation to be taught by the cited combination of Steinberg, Matsushita, and Friedman. Further, Examiner does not find such distinction to be obvious over the cited combination as such limitation would require what Examiner believes to be a significant alteration to the combination of Steinberg, Matsushita, and Friedman. For at least this reason, Examiner believes the independent claims, and their corresponding dependent claims, to be allowable over the prior art.

Examiner further submits that Applicant has presented several other arguments in support of the instant application being allowable over the cited art. Such arguments are moot in light of the notice of allowable subject matter.

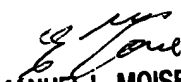
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KS

  
**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**